

REMARKS/ARGUMENTS

In the Office action dated May 2, 2007, the Examiner rejected claims 1-8 and 13-23 under 35 U.S.C. §102(e) as allegedly anticipated by Tu, et al. (U.S. Patent No. 5,971,968). In so rejecting, the Examiner asserts that Figure 4 of Tu shows that the electrode forms an angle with the probe body. Office action, page 2. Applicant respectfully traverses the rejection over Tu.

Tu discloses a catheter probe having a catheter shaft with a shaft distal tip section, a shaft distal end, a shaft proximal end and a cap electrode. See column 6, lines 7-10 and 55-64. However, as depicted in the drawings and described in the specification, the cap electrode and shaft distal tip section are coaxial with the catheter shaft. The cap electrode forms no angle with the shaft distal section or the catheter shaft. The angle depicted in Figure 4 is not between the cap electrode and the catheter shaft, but rather is a bend in the catheter shaft resulting from deflecting and maneuvering the catheter within the heart to arrive at the desired treatment location. See column 7, line 39 to column 8, line 4. Indeed, the area BB depicted in Figure 4 is magnified in Figure 5 and shows the cap electrode 11 being coaxial with the catheter probe 71. Accordingly, the examiner's assertion that the cap electrode disclosed in Tu forms an angle with the probe body appears erroneous.

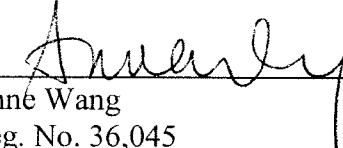
Moreover, Tu fails to teach or suggest that the electrode comprises an elongated body or that the electrode is fixedly attached to the distal end of the probe body *at a point along the elongated body of the electrode between the first and second ends*, as recited in independent claims 1 and 7. Rather, Tu discloses a cap electrode at the distal end of the probe body, which cap electrode is not akin to an elongated body. Additionally, Tu fails to teach or suggest that the electrode is fixedly attached to the distal end of the probe body *at a point along the elongated body of the electrode between the first and second ends*. Instead, Tu discloses a cap electrode which is attached coaxially to the distal end of the catheter probe. See Figs. 1, 2, 4 and 5. Accordingly, independent claims 1 and 7, and all claims dependent therefrom, including claims 2-6, 8 and 13-23, are allowable over Tu.

Appln No. 10/748,811
Amdt date September 4, 2007
Reply to Office action of May 2, 2007

The Examiner also rejected claims 9-12, 17, 18 and 24-27 under 35 U.S.C. §103(a) as allegedly obvious over Tu either by itself or in combination with one or more of Alt (U.S. Patent No. 5,411,527) and Panescu, et al. (U.S. Patent No. 5,688,267). However, each of the claims 9-12, 17, 18 and 24-27 depends from either claim 1 or 7, both of which are allowable over Tu as discussed above. Neither Alt or Panescu remedies the deficiencies of Tu as neither reference teaches or suggests the irrigation probe of either claim 1 or 7. Accordingly, independent claims 1 and 7, and all claims dependent therefrom, including claims 9-12, 17, 18 and 24-27, are allowable over Tu, Alt and Panescu.

Claims 1-27 remain pending in this application. In light of the above remarks, Applicant submits that all of claim 1-27 are in condition for allowance. Applicant therefore respectfully requests reconsideration and a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Anne Wang
Reg. No. 36,045
626/795-9900

LES/les

LDB PAS753438.1-*09/4/07 1:41 PM